

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/164,630 10/01/98 CHEN

J 4006-003

EXAMINER

LM02/1005

DONALD C CASEY
99 CANAL CENTER PLAZA
SUITE 300
ALEXANDRIA VA 22314

VO, N

ART UNIT

PAPER NUMBER

2745

DATE MAILED:

10/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/164,630

Applicant(s)

Chen

Examiner

Nguyen Vo

Group Art Unit

2745



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-37 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

2. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Oath/Declaration

3. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

4. The reissue oath/declaration filed with this application is defective because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414.

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5. Claims 2-37 are rejected as being based upon a defective reissue oath under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the oath is set forth in the discussion above in this Office action.

Drawings

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "204" . Correction is required.

Claim Objections

7. Claims 4-5, 7-12, 14-16, 22, 27 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

8. Claims 20-37 are objected to because of the following informalities: as to claim 20, the period "." at line 10 must be deleted; as to claim 24, the period "." at line 2 must be deleted. Appropriate correction is required.

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Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 2-37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There are numerous claimed limitations which are not supported by the original specification. Applicant should carefully check all of his claims in order to ensure that the all limitations recited in each claim are fully supported.

As to claim 2, the original specification fails to disclose a variable capacitor diode as claimed.

As to claim 3, the original specification fails to disclose a wireless microphone transmitting system as claimed.

As to claim 6, the original specification fails to disclose the function of the signal processing circuit as claimed.

As to claim 8, the original specification fails to disclose "internal adjustable" as claimed.

As to claim 9, the original specification fails to disclose that the second variable capacitor diode is externally adjustable by users through frequency controller VR1 as claimed.

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As to claim 10, the original specification fails to disclose that the first IF output is adjustable by the first variable capacitor as claimed.

As to claim 11, the original specification fails to disclose all of the combinations as set forth the claim.

As to claim 16, the original specification fails to disclose that the power control circuit is controlled *automatically* and *manually* as claimed.

As to claim 18, the original specification fails to disclose a special noise blocking system for direct connection to a television, compact disc player, automobile audio system or center speaker without interference as claimed.

As to claim 19, the original specification fails to disclose that the transmitter unit can be used with a plurality of receiving earphones simultaneously as claimed.

As to claim 20, the original specification fails to disclose a variable capacitor diode as claimed.

As to claim 23, the original specification fails to disclose a frequency controller VR1 being *externally adjustable by users* as claimed.

As to claim 25, the original specification fails to disclose the function of the oscillatory frequency regulating circuit as claimed.

As to claim 29, the original specification fails to disclose the function of the signal processing circuit as claimed.

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As to claim 33, the original specification fails to disclose that the receiver *consists of* integrated circuits and transistors as claimed.

As to claim 34, the original specification fails to disclose all of the combinations as set forth the claim.

As to claim 36, the original specification fails to disclose a wireless microphone as claimed.

11. Claims 1-37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claim 1, the claim recites that the dual oscillation frequency regulating circuit in the transmitter comprises of a first variable resistor, a second variable resistor. Figure 1, however, shows a first variable capacitor VCA and a second variable capacitor VCB, not variable resistors as claimed. Therefore, it is not clear as to what applicant intends to recite in the claim (variable capacitors or variable resistors). In addition, the claim recites that the dual oscillation frequency regulating circuit in the receiver comprises of two variable resistors. Figure 2, however, shows a first variable capacitor VCA and a second variable capacitor VCB, not variable resistors as claimed. Therefore, it is not clear as to what applicant intends to recite in the claim (variable capacitors or variable resistors).

As to claim 2, the claim recites that the dual oscillation frequency regulating circuit in the transmitter comprises a first variable capacitor. The specification, however, shows a first variable

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resistor, not variable capacitor as claimed. Therefore, it is not clear as to what applicant intends to recite in the claim (variable capacitors or variable resistors).

As to claim 20, the claim recites that the dual oscillation frequency regulating circuit in the receiver comprises a variable capacitor. The specification, however, shows a variable resistor, not variable capacitor as claimed. Therefore, it is not clear as to what applicant intends to recite in the claim (variable capacitors or variable resistors).

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 2-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are numerous antecedent errors existed in the claims. Applicant in the next response should carefully review his claims in order to correct those errors.

As to claim 2, the recitation "an (external and internal) dual adjustable oscillatory frequency regulating circuit" renders the claim indefinite because it is not clear if the limitation "external and internal" is positively claimed. It is suggested that the recitation "an (external and internal) dual adjustable oscillatory frequency regulating circuit" should be changed to --an external and internal

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dual adjustable oscillatory frequency regulating circuit--. The recitation "said transmitter unit" at lines 17, 20 lacks clear antecedent basis.

As to claims 3-19, the recitation "The invention" at line 1 should be changed to --The transmitter--.

As to claim 3, the recitation "said transmitter unit" at line 1 lacks clear antecedent basis.

As to claim 11, it is conflict with claim 1. For example, claim 1 requires a variable capacitor. However, the combination (a)(a) in claim 11 does not require the variable capacitor.

As to claim 13, the recitation "the receiver unit" at line 2 lacks clear antecedent basis.

As to claim 14, the recitation "the transmitter unit" at line 2 lacks clear antecedent basis.

As to claim 15, the recitation "the transmitter unit" at line 4 lacks clear antecedent basis.

As to claims 17-19, the recitation "the transmitter unit" at line 1 lacks clear antecedent basis.

As to claim 20, the recitation "the transmitter" at line 1 lacks clear antecedent basis. The recitation "an (external and internal) dual adjustable oscillatory frequency regulating circuit" at line 5 renders the claim indefinite because it is not clear if the limitation "external and internal" is positively claimed. It is suggested that the recitation "an (external and internal) dual adjustable oscillatory frequency regulating circuit" should be changed to --an external and internal dual adjustable oscillatory frequency regulating circuit-- in order to be consistent with the recitation in claim 27. The recitations "said transmitter unit" at lines 3-4, "said earphone" at lines 9-10 lack clear antecedent basis. It is not clear as to what the recitation "said IC" at line 15 actually refers to since there are two "ICs" being recited in the claim (see the recitations "IC" at lines 12 and 14).

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As to claims 21-37, the recitation "The invention" at line 1 should be changed to --The receiver--.

As to claim 24, it is incomplete.

As to claim 25, the recitations "the first local oscillator frequency", "the second local oscillator frequency" lack clear antecedent basis.

As to claim 26, the claim language is unclear.

As to claim 27, the recitation "said receiver unit" lacks clear antecedent basis.

As to claim 28, the recitation "the second local oscillation" lacks clear antecedent basis.

As to claims 32-33, 35-37, the recitation "said receiver unit" lacks clear antecedent basis.

As to claim 34, it is rejected for the same reasons as set forth in claim 11 above.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bishop (GB 2121649 A) and Gattey et al (U.S. Patent No. 5,553,312) both disclose wireless headphone system (see figure 1).

Takayanagi (Japanese Publication No. 4-10877) discloses wireless earphone system (see the bottom figure at page 452).

15. **Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Vo, whose telephone number is (703) 308-6728. The Examiner can normally be reached on Tuesday-Friday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Monday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Nguyen Vo
September 28, 1999



**NGUYEN VO
PRIMARY EXAMINER**